

City of Gulf Shores, Alabama

Tree Preservation Regulations

Ordinance 833 - Adopted August 28, 2000

These provisions are intended to regulate the removal and/or destruction of trees within the community for the purpose of:

- A. Preserving the existing character of the city, part of which is derived from existing groves of mature pine, oak and other species of trees;
- B. Reducing the effects of noise and air pollution;
- C. Preventing soil erosion and the siltation of drainage improvements and waterways;
- D. Protecting and enhancing the aesthetic qualities of the community; and
- E. Adding an element of landscape maturity to new developments in the city thereby enhancing buffering, privacy and increasing the value of property.

Applicability

These regulations shall apply to each Protected Tree within the corporate limits and police jurisdiction of the City of Gulf Shores, except a Protected Tree on any lot zoned or used exclusively for single family and/or duplex uses or any lot in the police jurisdiction located in a subdivision intended for single family and/or duplex uses.

General Regulations

No Protected Tree as defined in this Article shall be removed, relocated, destroyed or otherwise directly or indirectly injured unless and until a Tree Permit under this Article has first been issued. The City may issue an annual permit to public utility companies exempting them from this requirement with respect to the trimming of Protected Trees that may interfere with utility lines located within public rights-of-way, upon such terms and conditions as may be determined by the City. No Tree Permit shall be required for the incidental trimming or pruning of a Protected Tree located on private property by the owner of the property or the owner's agent.

Definitions

- A. Caliper: The measurement of the diameter of a tree trunk four (4) feet above existing grade.
- B. Tree, Protected: Any tree that has a caliper of at least six (6) inches or is a live oak, sand live oak, or sand pine.

Tree Permit

Any person wishing to remove, relocate, destroy, or otherwise injure a Protected Tree shall, under the provisions of this section, make written application to the City of Gulf Shores Community Development Department, which application shall include a landscape plan as provided in Section 15-9.D of the Zoning Ordinance (if a site plan has been approved) or other information that adequately explains the request. Application fees for the filing of

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Tree Permit requests with the City shall be set by resolution of the Council. In the case of tree removal or relocation activities that will be required on a continuing or repetitive basis, the City may issue a blanket Tree Permit on such terms and for such duration as are determined to be appropriate under the circumstances. The City will approve or deny the application, with or without conditions, within five (5) working days following receipt of the application and, if approved, issue a Tree Permit authorizing the proposed activity. Failure of the City to act upon an application within such time period shall constitute approval of the application and permission to proceed with the requested activity. The Mayor of the City of Gulf Shores may declare an emergency and impose a temporary moratorium on the enforcement of this requirement, following severe storm events within the city.

Criteria for Issuance of a Tree Permit

A Tree Permit for the requested activity shall be issued if:

- A. The tree is located in an area where a structure or improvement is to be placed according to a site plan or building permit approved by the City; or
- B. The tree is diseased, injured, in danger of falling close to existing or proposed structures (approved in A. above), interferes with existing or proposed essential utility services, creates unsafe vision clearance or conflicts with other ordinances or regulations of the City; or
- C. Removal of the tree will not result in any adverse material affect to the appearance of the site, since other Protected Trees of similar age, height, and species are present on the site and/or a sufficient number of replacement trees are proposed to be planted on the site in appropriate locations and of sufficient size to prevent such adverse affect.
- D. The tree is to be removed and relocated as part of (1) the bona fide harvesting or thinning of timber from land currently assessed and managed as forest property; (2) the bona fide thinning of growth from undeveloped property for the purpose of the maintenance of the overall health of the trees and growth on such property; (3) the release from nursery inventory of trees commercially cultivated for the purpose of resale; or (4) the preservation of such tree in connection with the expansion of agricultural operations in the vicinity of such tree.

If in the determination of the City the application does not meet the above criteria, it will be denied and the reasons communicated to the applicant who may appeal the decision to the City Council within ten (10) working days by filing a written request with the Community Development Department in a format or on a form as specified by the department.

Enforcement and Penalties

Whenever the Director of Community Development, or his designee, shall determine that a violation of this Article has occurred, any of the following actions may be initiated singly or in combination:

- A. On any new construction site, a Stop Work Order may be immediately issued to the contractor or property owner. Upon receipt of such Order, construction may not be resumed until an approved plan authorizing the removal of the subject trees is

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presented to the Community Development Department or a remediation proposal is presented to the department and approved by the City as provided in subsection (C) below.

- B. On an existing developed site, depending upon the circumstances of the violation, a Cease and Desist Order, Warning Citation, or formal citation may be issued to the violator as determined by the Director of Community Development or his designee. A Cease and Desist Order shall specify the nature of the violation and require that any work not permitted under this Article immediately cease and desist. The property owner shall, within two (2) weeks, present a remediation proposal to the City for correcting the violation.
- C. Each remediation proposal shall be reviewed by the Director of Community Development, who shall present the proposal to the City Council along with a recommendation for acceptance or rejection, or modification thereof.
- D. Any person violating any of the provisions of this Article shall be guilty of an offense against the City and shall, upon conviction, be punished for each violation as provided in Section 1-8(a) of the City's Code of Ordinances as now in force or as hereafter amended. Each Protected Tree removed, relocated, destroyed, or otherwise injured without a Tree Permit shall constitute a separate violation.

Amended through:

Ordinance No. 843, Adopted October 23, 2000

Ordinance No. 1055, Adopted March 25, 2002